REMARKS

In the Office Action, the Examiner rejected the pending claims under 35 U.S.C. § 102(b) as allegedly being anticipated by United States Patent No. 5,604,387 (Cheyne). The claims have replaced by new claims to further distinguish the present invention from the cited references.

Specifically, claims 5-7 have been added and of these, claim 5 is independent. Claim 5 specifically claims, among other things, a latching circuit which is connected to a high direct voltage supply and comprises an active switching device which is connected across an input of a commutation devices and a microprocessor which is configured to turn on the active switching device. Applicant respectfully submits that Cheyne does not disclose or suggest providing any such latching circuit.

Claim 5 also specifically claims, among other things, a switch mode power supply which is connected to both the high direct voltage supply and to the latching circuit, wherein the microprocessor of the latching circuit is configured to control the switch mode power supply such that the switch mode power supply supplies direct current at a low voltage level from the high direct voltage supply using at least one motor winding and the commutation devices in a common motor current path as a buck converter. Claim 5 also claims that the microprocessor of the latching circuit is configured to turn on the active switching device of the latching circuit such that the commutation device to which the active switching device is connected latches off, thereby disabling the buck converter. Applicant respectfully submits that Cheyne does not disclose or suggest providing any such microprocessor.

With regard to the latching circuit, claim 5 also goes on to specifically claim that the latching circuit further comprises a push button switch, wherein the latching circuit is configured to turn off the active switching device upon the push button switch being pushed

such that the commutation device to which the active switching device is connected turns on, thereby enabling the buck converter. This is neither disclosed nor suggested by the Cheyne reference.

The Cheyne reference does not suggest the present invention, and Applicant respectfully asserts that to interpret the Cheyne reference as if it did disclose or suggest the present invention, as presently claimed, would amount to hindsight. There are many court decisions which hold that using hindsight is improper. As early as 1891, the United States Supreme Court held that:

> Knowledge after the event is always easy, and problems once solved present no difficulties, indeed, may be represented as never having had any, and expert witnesses may be brought forward to show that the new thing which seemed to have eluded the search of the world was always ready at hand and easy to be seen by a merely skillful attention. But the law has other tests of the invention than subtle conjectures of what might have been seen and yet was not. It regards a change as evidence of novelty, the acceptance and utility of change as further evidence, even as demonstration . . . Nor does it detract from its merit that it is the result of experiment and not the instant and perfect product of inventive power. A patentee may be baldly empirical, seeing nothing beyond his experiments and the result; yet if he has added a new and valuable article to the world's utilities, he is entitled to the rank and protection of an inventor . . . It is certainly not necessary that he understand or be able to state the scientific principles underlying his invention, and it is immaterial whether he can stand a successful examination as to the speculative ideas involved.

Diamond Rubber Co. v. Consolidated Rubber Tile Co., 220 U.S. 428 , 435-36.

Applicant respectfully submits that none of the cited references, either alone or in combination, disclose or suggest the present invention. Should the present claims not be deemed adequate to effectively define the patentable subject matter, the Examiner is respectfully urged to call the undersigned attorney of record to discuss the claims in an effort to reach an agreement toward allowance of the present application.

Respectfully submitted,

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